

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RAYMOND LEAVITT,

Plaintiff,

v.

CORRECTIONAL MEDICAL
SERVICES, INC., et al.,

Defendants.

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Civil No. 08-132-B-W

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on January 13, 2009 her Recommended Decision. Defendant Magnusson filed his objections to the Recommended Decision on February 2, 2009. I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that the Motion to Dismiss (Docket # 43) be and hereby is GRANTED and Defendant Magnusson is dismissed as an individual defendant in this case, although the official capacity claim under Title II of the ADA will remain and Magnusson will therefore remain as a named party.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 24th day of February, 2009